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MARCH 30, 1918

A Treaty Marine

Between

The Most Serene and Mighty PRINCE

CHARLES II.

By the Grace of God,

King of *England*, *Scotland*, *France* & *Ireland*,

Defender of the Faith, *&c.*

And the Most Serene and Mighty PRINCE

LEWIS XIV.

The Most Christian King.

Concluded at St. *Germains in Laye*, the Twenty fourth day of *February* $167\frac{6}{7}$.

Published by His Majesties Command.

LONDON,
Printed by the Assigns of *John Bill* and *Christopher Barker*, Printers to the Kings Most Excellent Majesty 1677.

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t'Amsterdam, by the Wed. *Mery Brounnge*, ond the Beurssluys, 1677.

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Artic. I.

THat it shall and may be Lawful, for all and every the Subjects of the Most Serene and Mighty Prince the King of *Great Britain* aforesaid, with all Freedom and Safety to Sail, Trade, and Exercise any manner of Traffique in all those Kingdoms, Countreys, and Estates, which are, or at any time here-after shall be in Peace, Amity, or Neutrality with His said Majesty: So that they shall not be any ways hindred or molested in their Navigation or Trade by the Military Forces, nor by the Ships of War, or any other kind of Vessels whatsoever, belonging either to the Most Christian King, or to his Subjects, upon occasion or pretence of any Hostility or Difference which now is, or shall hereafter happen between the said Most Christian King, and any Princes or People whatsoever, in Peace, Amity, or Neutrality with the said King of *Great Britain*. And likewise, that it shall and may be Lawful for all and every the Subjects of the said Most Christian King, with all Freedom and Safety to Sail, Trade, and Exercise any manner of Traffique in all those Kingdoms, Countreys, and Estates, which are, or at any time hereafter shall be in Peace, Amity, or Neutrality with the aforesaid Most Christian King: So that they shall not be any ways hindred or molested in their Navigation or Trade, by the Military Forces, nor by the Ships of War, or any other kind of Vessels whatsoever, belonging either to the King of *Great Britain* above mentioned, or to his Subjects, upon occasion or pretence of any Hostility or Difference which now is, or shall hereafter happen between His said Majesty and any Princes or People whatsoever, in Peace, Amity, or Neutrality with the said Most Christian King.

II.

Nor shall this Freedom of Navigation and Commerce be Infringed by occasion or cause of any War, in any kind of Merchandizes, but shall extend to all Commodities which shall be carried in time of Peace; those onely excepted which follow in the next Article, and are comprehended under the name of *Contraband*.

III.

Under this name of *Contraband*, or prohibited Merchandizes, shall be comprehended onely Arms, Pieces of Ordnance, with all Implements belonging to them, Fire-balls, Powder, Match, Bullets, Pikes, Swords, Lances,

Spears, Halberds, Guns, Mortarpieces, Petards, Granadoes, Muſquet-reſts, Bandeliers, Salt-petre, Muſquets, Muſquetshot, Helmets, Corſlets, Breaſt-plates, Coats of Mail, and the like kind of Armature, Soldiers, Horſes, and all things neceſſary for the Furniture of Horſes, Holſters, Belts, and all other War-like Inſtruments whatſoever.

I V.

Theſe Marchandizes following shall not be reckoned among prohibited Goods, (*viz.*) all kind of Cloth, and all other Manufactures woven of any kind of Wooll, Flax, Silk, Cotton, or any other Material; all ſorts of Clothing and Veſtments, together with the Materials whereof they uſe to be made; Gold and Silver, as well Coyned as not Coyned, Tin, Iron, Lead, Copper and Coles, as alſo Wheat and Barley, and all other kind of Corn or Pulſe, Tobacco, and all kind of Spices, ſalted and ſmoked Flesh, ſalted and dried Fish, Cheeſe and Butter, Beer, Oyls, Wines, Sugars, and all ſort of Salt, and in general all Proviſion which ſerves for the nourishment and ſuſtenance of Life; likewiſe all kind of Cotton, Hemp, Flax and Pitch, Ropes, Sails and Anchors, alſo Maſts and Planks, Boards and Beams, of what ſort of Wood ſoever, and all other Materials requiſite for the building or repairing Ships, but they shall be wholly reputed amongſt Free Goods, even as all other Wares and Commodities which are not comprehended in the next precedent Article; ſo that the ſame may be freely Tranſported and carried by the Subjects of the Moſt Serene King of *Great Britain*, not onely from one Neutral place, to another Neutral place; or from a Neutral Port or place, to a place in Hoſtility with the Moſt Chriſtian King, or from a place in Hoſtility with him to a Neutral place; but alſo from one place in Enmity with the Moſt Chriſtian King, to another Port or place in Enmity with him; Be it that ſuch Ports or places do belong to the ſame Prince or State, or to ſeveral Princes or States with whom the Moſt Chriſtian King shall happen to be in War: And in like manner, that the ſame may be freely Tranſported by the Subjects of the Moſt Chriſtian King, not onely from one Neutral place, to another Neutral place, or from a Neutral Port or place, to a place in Hoſtility with the King of *Great Britain*, or from a place in Hoſtility with him, to a Neutral place; But alſo from one place in Enmity with the King of *Great Britain*, to another Port or place in Enmity with him; Be it that ſuch Ports or places do belong to the ſame Prince or State, or to ſeveral Princes or States, with whom the King of *Great Britain* shall happen to be in War, except onely Towns or places beſieged, environed, or inveſted, in French *Blocquees ou Inveſties*.

V.

And that all manner of Differences and Contentions on both ſides, by Sea and Land, may from henceforth ceaſe and be utterly extinguished; It is agreed, that all kind of Ships and Veſſels whatſoever, belonging to the Subjects of His ſaid Majeſty of *Great Britain*, entring or being entred into any Road or Port under the Obedience of the Moſt Chriſtian King, and purpoſing

to

to paſs from thence, shall be onely obliged to shew unto the Officers acting in the Ports of the ſaid moſt Chriſtian King, or to the Captains of the moſt Chriſtian Kings Ships, or of private men of War (if any happen there to be) their Paſs-port, commonly called a Sea-Brief, (the Form whereof is added at the end of theſe Articles;) nor shall any Money, or any thing elſe be exacted from them under that pretence: But if any Ship belonging to the Subjects of His Majeſty of *Great Britain* shall in the open Sea or elſewhere out of the Dominions of the ſaid moſt Chriſtian King, meet the Ships of War of the ſaid moſt Chriſtian King, or private men of War of his Subjects, the ſaid Ships of the moſt Chriſtian King shall keep at a convenient diſtance, and onely ſend out their Boat, and it shall be Lawful for them onely with Two or Three men to go on Board the Ships and Veſſels of the Subjects of His Majeſty of *Great Britain*, that the Paſs-port (or Sea-Brief) of the Propriety thereof, (according to the Form hereafter ſpecified) may be shewn to them by the Captain or Maſter of ſuch Ship or Veſſel belonging to the Subjects of His Majeſty of *Great Britain*: And the Ship which shall shew the ſame shall freely paſs; and it shall not be Lawful to moleſt, ſearch, detain or divert the ſame from her intended Voyage: And all the Subjects of the moſt Chriſtian King shall enjoy in all things the ſame Liberty and Immunity, they in like manner shewing their Paſs-port (or Sea-Brief) made according to the Form preſcribed at the latter end of this Treaty.

VI.

But if any Ship or Veſſel belonging to the *Engliſh*, or other Subjects of His Majeſty of *Great Britain*, shall be met by any man of War making into any Port in Enmity with the moſt Chriſtian King; or on the other ſide, if any Ship belonging to the moſt Chriſtian King, or others Subjects of the ſaid moſt Chriſtian King, shall be met in her way making into any Port under the Obedience of the Enemies of His ſaid Majeſty of *Great Britain*, ſuch Ship shall shew not onely a Paſs-port (or Sea-Brief) according to the Form hereunder preſcribed, wherewith she is to be furniſhed, but alſo her Cocquets expreſſing the Contents of the Goods on Board, given in the uſual Form by the Officers of the cuſtoms in the port from whence she came, whereby it may be known whether she is laden with any merchandizes prohibited by the Third Article of this Treaty.

VII.

But if by the shewing the aboveſaid Cocquets expreſſing the Contents of the Goods on Board, given in the uſual Form by the Officers of the cuſtoms in the Port from whence she came (concerning the shewing whereof it is above agreed) either party shall diſcover any kind of merchandizes which in the Third Article of this Treaty are declared to be *Contraband*, or prohibited, conſigned to any port under the Obedience of their Enemies, it shall not be Lawful to open the Hatches of ſuch Ship in which the ſame shall happen to be found, whether she belongs to the Subjects of His

Majesty of *Great Britain*, or of the Most Christian King; nor to unlock or break open the Chests, Mails, Packs, or Casks in the same; nor to convey away any the least part of the Merchandizes, before the whole be first Landed in the presence of the Officers of the Admiralty, and Inventaried; neither shall it be any ways Lawful to Sell, Exchange, or otherwise to Alienate the same, until such prohibited Goods are Rightly and Lawfully proceeded against; and that the Judges of the Admiralty have by their respective Sentences confiscated the same: Provided always, that as well the Ship it self, as the rest of the Commodities found in the same, which by this Treaty are to be reputed Free, shall not upon pretence of their being Infected by such prohibited Goods, be detained, much less confiscated for Lawful Prize; but if not the whole, but a part onely of the Lading consists of *Contraband* or prohibited Commodities, and that the Master of the Ship shall be willing and ready to deliver them to the Captor who seized the same; in that Case the Captor shall not compel the Ship to go out of her Course to any Port he thinks fit, but shall forthwith dismiss her, and upon no accompt hinder her from freely prosecuting her designed Voyage.

VIII.

It is further agreed, that whatsoever shall be found laden by the Subjects of His Majesty of *Great Bretain*, upon any Ship whatsoever belonging to the Enemies of the Most Christian King, although the same be not of the quality of Contraband Goods, may be confiscated: But on the contrary, all that which shall befound in the Ships belonging to the Subjects of His Majesty of *Great Britain*, shall be accounted Clear and Free, although the whole Lading or any part thereof by Just Title of Propriety shall belong to the Enemies of the Most Christian King; except always Contraband Goods; which being Intercepted, all things shall be done according to the Meaning and Direction of the precedent Articles; and by the same Reason, whatsoever shall be found Laden by the Subjects of the Most Christian King in any Ship whatsoever belonging to the Enemies of His Majesty of *Great Britain*, although the same be not of the quality of *Contraband* Goods, may be Confiscated; but on the other side, all that which shall be fonnd in the Ships belonging to the Subjects of the Most Christian King, shall be accounted Clear and Free, although the whole Lading or any part thereof by Just Title of Propriety shall belong to the Enemies of His Majesty of *Great Bretain*; except always *Contraband* Goods, which being Intercepted, all things shall be done according to the meaning and direction of the precedent Articles: And least any Damage should by Surprize be done to the one Party, who is in Peace, when the other Party shall happen to be engaged in War, it is provided and agreed, that a Ship belonging to the Enemies of the one Party, and Laden with Goods of the Subjects of the other Party, shall not infect or render the said Goods liable to confiscation, in case they were Laden before the expiration of the Terms and Times hereafter mentioned, after the Declaration or Publication of any such War; (*viz.*) If the Goods were Laden in any Port or place between the Places or Limits called the *Soundings* and the *Naz* in *Norway*, within the space of Six Weeks after such Declaration;

Declaration; of two months between the ſaid place the *Soundings* and the City of *Tangier*; and of Ten Weeks in the *Mediterranean* Sea; or within the ſpace of Eight moneths, in any other Countrey or place of the World; So that it ſhall not be Lawful to Confiſcate the Goods of the Subjects of His Majeſty of *Great Britain*, taken or ſeized in any Ship or Veſſel whatſoever of any Enemy of the moſt Chriſtian King upon that Pretence, but the ſame ſhall be without delay reſtored to the proprietors, unleſs they were Laden after the expiration of the ſaid Terms of Time reſpectively; but ſo that it may not be Lawful for them afterwards to carry to Enemies Ports the ſaid Merchandizes which are called *Contraband*; and for the Reaſon aforeſaid ſhall not be liable to confiſcation; neither on the other ſide ſhall it be Lawful to confiſcate the Goods of the Subjects of the moſt Chriſtian King, taken or ſeized in any Ship or Veſſel whatſoever of an Enemy of His Majeſty of *Great Britain* upon that Pretence, but the ſame ſhall be forthwith reſtored to the Proprietors thereof, unleſs they were Laden after the expiration of the ſaid Terms of Time reſpectively; but ſo that it may not be Lawful for them afterwards to carry to Enemies Ports the ſaid Merchandizes which are called *Contraband*, and for the Reaſon aforeſaid ſhall not be liable to Confiſcation.

IX.

And the more to aſſure the Subjects of His Majeſty of *Great Britaiu*, and of the moſt Chriſtian King, that no Injury ſhall be offered to them by the Ships of War, or private men of War of either Side, all the Captains of the Ships as well of His Majeſty of *Great Britain*, as of the moſt Chriſtian King, and all their Subjects who ſhall ſet out private men of war; And likewiſe their Priviledged Companies ſhall be enjoyned not to do any Injury or Damage whatſoever to the other; which if they do, they ſhall be punished; and moreover be liable to ſatisfie all Coſts and Damages by Reſtitution and Reparation, upon Pain and Obligation of Perſon and Goods.

X.

For this Cauſe all the Commanders of private men of War ſhall from henceforth be obliged before they receive their Commiſſions, to enter before a Competent Judge good and ſufficient Security, by able and reſponſible men, who have no Part or Intereſt in ſuch Ship, in the Sum of Fifteen hundred Pounds Sterling, or Sixteen thouſand five hundred *Livres*, and when they have above One hundred and fifty men, then in the Sum of Three thouſand Pounds Sterling, or Three and thirty thouſand *Livres*, that they will give full Satisfaction for any Damages or Injuries whatſoever, which they or their Officers, or others in their Service ſhall commit in their Courſes at Sea, contrary to this preſent Treaty, or any other whatſoever, between His Majeſty of *Great Britain*, and the ſaid moſt Chriſtian King, and upon the pain of Revocation and Annulling their ſaid Commiſſions; in which it ſhall be always inſerted, that they have given ſuch Security as aboveſaid; and likewiſe it is agreed, that the Ship it ſelf ſhall be alſo liable to make Satisfaction for Injuries and Damages done by her.

XI. His

XI.

His Majesty of *Great Britain*, and the said most Christian King, being desirous that the Subjects of each other may be mutually Treated in all countries under their Obedience respectively, with the like kindness as their own subjects, will give all necessary and effectual Orders, that Judgements upon Ships and merchandize taken at Sea, be given according to the Rule of Justice and Equity, by Judges beyond all suspicion, and not any ways concerned in the cause under debate. And His Majesty of *Great Britain*, and the most Christian King will likewise give strict Orders that all Sentences already given, and which shall be hereafter given, be according to the Tenor thereof duly put in Execution and obtain their Effect.

XII.

And whensoever the Ambassadors, or other publick Ministers of the King of *Great Britain*, residing in the Court of the most Christian King shall complain of the Unjustness of Sentences which have been given concerning Ships or Merchandize taken at Sea, and belonging to the Subjects of the King of *Great Britain*, then the said most Christian King on Demand of the said Ambassadors, or Ministers of the King of *Great Britain*, shall cause the said Sentences to be Reviewed and examined in his privy coucil, and shall confirm or revoke the sentences wherefoever given: and likewise the said most Christian King shall take care that Right be done to the party complaining within the space of Four moneths to be accounted from the day of making such demand. In like manner if the Ambassadors, or other publick ministers of the most Christian King residing in the court of the King of *Great Britain* shall complain of the Unjustness of Sentences which have been given concerning Ships or merchandize taken at Sea, belonging to subjects of the said most Christian King, the said King of *Great Britain* shall forthwith Commissionate under his Great Seal Nine of his privy council to Adjudge such matters, and to confirm or revoke the sentences wheresoever given; and the said Commissioners shall meet within the space of one moneth from the day of delivering the complaint: And likewise the King of *Great Britain*, shall take care that Right be done the party complaining within the space of Three Moneths to be computed from the First day of the Meeting of the said Commissioners.

XIII.

A suit being Commenced between the Takers of Prizes on the one part, and the Claimers thereof on the other, and a Sentence or Decree being given for the party Reclaiming, the said Sentence or Decree (upon Security given) shall be put in Execution, notwithstanding the Appeal made by him that took the prize: which shall not be observed in case the sentence shall be given against the Claimers.

XIV.

And whereas the Masters of Merchant Ships, and likewise the Mariners and Passengers do somtymes suffer many Cruelties and Barbarous Usages, when they are brought under the power of Ships which take Prizes in time of War, the Takers in an Inhumane manner tormenting them, thereby to Extort from them such Confessions as they would have to be made, it is Agreed, that both His Majesty of Great *Britain*, and the most Christian King, shall by the Severest Proclamations or Edicts, forbid all such Hainons and Inhumane Offences, and as many as they shall by Lawful Proofs find Guilty of such Acts, they shall take care that they be punished with due and just Punishments, and which may be a Terror to others; and shall command that all the Captains and Officers of Ships who shall be proved to have Committed such Hainous Practises, either themselves, or by Instigating others to Act the same, or by Conniving while they were done, shall (besides other Punishments to be Inflicted proportionably to their Offences) be forthwith deprived of their Offices respectively; and every Ship brought up as Prize, whose Mariners or Passengers shall have suffered any Torture, shall forthwith be Dismissed and Freed with all her Lading, from all further Examination and proceeding against her, as well Judicial as otherwise.

XV.

It is also Agreed, that the like Severity of Punishments shall be Inflicted upon those who shall take Commissions from Enemies to Seize the Ships of either Ally or Party.

XVI.

Lastly, It is Agreed and Concluded, that this present Treaty and all and singular the things therein contained, shall be with all convenient speed on both sides Ratified and Confirmed, and that the Ratifications thereof shall be within Two Months from the Date hereof Rightly and Reciprocally Exchanged between both Parties.

Dated at St. *Germains in Laye*, the Twenty Fourth day of *February* in the Year of Our Lord 1677.

The From of the Paſsport (or Sea-Brief) to be asked of, and given by the Lord High Admiral, or by thoſe to whom the Exerciſe of Admiralty-Juriſdiction is ordinarily Committed, or by the Mayor, or other Chief Magiſtrate, or by the Commiſſioners, or other Principal Officers of the Cuſtoms in their reſpective Ports and Places within the Dominions of the King of *Great Britain*, to Schips and Veſſels, according to the Purport of the Fifth Article.

TO all unto whom theſe Preſents ſhall come, Greeting, We Lord High Admiral of We Lords Commiſsioners Executing the Office of the Lord High Admiral of or We the Mayor, or other Magiſtrate of or We Commiſsioners, or Principal Officers of the Cuſtoms in the City or Port of Do Tiſtifie and make Known, That Maſter or Commander of the Ship called the hath appeared before Us, and hath Declared by Solemn Oath, That the ſaid Ship or Veſſel Containing about Tons, of which he is at preſent Maſter or Commander, doth belong to the Inhabitants of within the Dominions of the Moſt Serene and Mighty Prince, the King of England, Scotland, France, *and* Ireland, *Defender of the Faith*, &c. So help him God. *And in regard it would be moſt acceptable to Us, that the ſaid Maſter or Commander be Aſſiſted in his juſt and lawful Affairs, We do Requeſt you, and every of you, whereſoever the ſaid Maſter or Commander ſhall Arrive with his Ship, and the Goods Laden on Board and Carried in her, that you would pleaſe to Receive him Courteouſly, and uſe him Kindly, and Admit him upon Paying the lawful and uſual Cuſtoms and other Duties, to Enter into, Remain in, and Paſs from your Ports, Rivers, and Dominions, and there to Enjoy all kind of Right of Navigation, Traffick, and Commerce, in all Places where*

re he shall think fit; Which We shall most willingly and readily acknowledge upon all Occasions: In Testimony and Confirmation whereof, We have with Our Hand Signed these Presents, and caused them to be Sealed with our Seal: Dated at the day of in the Year of Our Lord.

And the like Form of Passport (*mutatis mutandis*) shall be Used by the Subjects of the Most Christian King.

FINIS.

*EC65.G798T.677tc

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4 January 1926